REMARKS

Claims 17 and 19 to 32 are now pending in the present application.

Applicants hereby respectfully request further examination and reconsideration of the application based on the following.

Claims 17 and 19 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0228366 ("Fuehrer") in view of Rahl Shah & Xuanming Dong, An Introduction to TTCAN ("Shah").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejection of previously presented claim 17 may not be agreed with, to facilitate matters, claim 17 has been rewritten to include some of the features of claim 24.

Claim 17, as presented, includes the feature of "determining a correction value, the correction value being used in adapting the duration of the pause period."

The "Fuehrer" reference does not disclose nor suggest, and is not asserted to disclose nor suggest, the feature of *determining a correction value, the correction value being used in adapting the duration of the pause period*. Further, as explained below, combining the

"Fuehrer" reference with the "Shah" reference does not remedy the deficiencies of the "Fuehrer" reference as applied to claim 17. Accordingly, the combined teachings of the "Fuehrer" reference and the "Shah" reference do not render obvious claim 17.

Even if the "Shah" reference may refer to a Time Unit Ratio (TUR) that may be adapted to compensate for clock drift or to synchronize to an external time base, the "Shah" reference does not disclose nor suggest the feature of *determining a correction value, the correction value being used in adapting the duration of the pause period*. The TUR value referred to by the "Shah" reference is apparently used to determine a Network Time Unit (NTU) for incrementing the local time. Differences are ascertained between an actual master reference mark and a previous master reference mark and between an actual reference mark and a previous reference mark. The ratio of these differences then recalibrates a previous TUR value. The new TUR value recalibrates the length of an NTU, which is used to increment a sixteen-bit-integer-valued local time. Accordingly, the clock speed that is used to increment a local time is varied to compensate for clock drift or to syncronize to an external time base.

This is in stark contrast to the feature of *determining a correction value, the correction value being used in adapting the duration of the pause period*. In fact, the correction value of the present application does not affect a clock speed of a local time. Instead, the presently claimed subject matter involves determining a correction value to be used to adapt the duration of a pause period that affects the start of a basic cycle. This method allows, for example, for correcting the timing of a bus system after a message is transmitted with errors. The method referred to by the "Shah" reference cannot and does not correct, for example, the timing of a bus system after a message is transmitted with errors. Further, the "Shah" reference only refers to changing a local clock speed, to compensate for clock drift or to syncronize to an external time base. This does not disclose nor suggest the feature of *providing a pause period of variable length and determining a correction value, the correction value being used in adapting the duration of the pause period*.

Accordingly, claim 17 is allowable, as are its dependent claims 19 to 30.

Claims 31 and 32 include features like those of claim 17 and are therefore allowable for essentially the same reasons as claim 17.

In summary, all of pending claims 17 and 19 to 32 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that pending claims 17 and 19 to 32 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner have been addressed, and an early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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